

(B) INCLUSIONS.—The term “biodiesel” includes esters described in subparagraph (A) derived from—

- (i) animal waste, including poultry fat, poultry waste, and other waste material; and
- (ii) municipal solid waste, sludge, and oil derived from wastewater or the treatment of wastewater.

(2) BIODIESEL BLEND.—The term “biodiesel blend” means a mixture of biodiesel and diesel fuel, including—

(A) a blend of biodiesel and diesel fuel approximately 5 percent of the content of which is biodiesel (commonly known as “B5”); and

(B) a blend of biodiesel and diesel fuel approximately 20 percent of the content of which is biodiesel (commonly known as “B20”).

SEC. 517. USE OF CIVIL PENALTIES FOR RESEARCH AND DEVELOPMENT.

Section 32912 of title 49, United States Code, is amended by adding at the end thereof the following:

“(e) USE OF CIVIL PENALTIES.—For fiscal year 2008 and each fiscal year thereafter, from the total amount deposited in the general fund of the Treasury during the preceding fiscal year from fines, penalties, and other funds obtained through enforcement actions conducted pursuant to this section (including funds obtained under consent decrees), the Secretary of the Treasury, subject to the availability of appropriations, shall—

“(1) transfer 50 percent of such total amount to the account providing appropriations to the Secretary of Transportation for the administration of this chapter, which shall be used by the Secretary to carry out a program of research and development into fuel saving automotive technologies and to support rulemaking under this chapter; and

“(2) transfer 50 percent of such total amount to the Energy Security Fund established by section 518(a) of the Ten-in-Ten Fuel Economy Act.”.

SEC. 518. ENERGY SECURITY FUND AND ALTERNATIVE FUEL GRANT PROGRAM.

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury a fund, to be known as the “Energy Security Fund” (referred to in this section as the “Fund”), consisting of—

(A) amounts transferred to the Fund under section 32912(e)(2) of title 49, United States Code; and

(B) amounts credited to the Fund under paragraph (2)(C).

(2) INVESTMENT OF AMOUNTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest in interest-bearing obligations of the United States such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(B) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(C) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund in accordance with section 9602 of the Internal Revenue Code of 1986.

(3) USE OF AMOUNTS IN FUND.—Amounts in the Fund shall be made available to the Secretary of Energy, subject to the availability of appropriations, to carry out the grant program under subsection (b).

(b) ALTERNATIVE FUELS GRANT PROGRAM.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Energy, acting through the Clean Cities Program of the Department of Energy, shall establish and carry out a program under which the Secretary shall pro-

vide grants to expand the availability to consumers of alternative fuels (as defined in section 32901(a) of title 49, United States Code).

(2) ELIGIBILITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any entity that is eligible to receive assistance under the Clean Cities Program shall be eligible to receive a grant under this subsection.

(B) EXCEPTIONS.—

(i) CERTAIN OIL COMPANIES.—A large, vertically-integrated oil company shall not be eligible to receive a grant under this subsection.

(ii) PROHIBITION OF DUAL BENEFITS.—An entity that receives any other Federal funds for the construction or expansion of alternative refueling infrastructure shall not be eligible to receive a grant under this subsection for the construction or expansion of the same alternative refueling infrastructure.

(C) ENSURING COMPLIANCE.—Not later than 30 days after the date of enactment of this Act, the Secretary of Energy shall promulgate regulations to ensure that, before receiving a grant under this subsection, an eligible entity meets applicable standards relating to the installation, construction, and expansion of infrastructure necessary to increase the availability to consumers of alternative fuels (as defined in section 32901(a) of title 49, United States Code).

(3) MAXIMUM AMOUNT.—

(A) GRANTS.—The amount of a grant provided under this subsection shall not exceed \$30,000.

(B) AMOUNT PER STATION.—An eligible entity shall receive not more than \$90,000 under this subsection for any station of the eligible entity during a fiscal year.

(4) USE OF FUNDS.—

(A) IN GENERAL.—A grant provided under this subsection shall be used for the construction or expansion of alternative fueling infrastructure.

(B) ADMINISTRATIVE EXPENSES.—Not more than 3 percent of the amount of a grant provided under this subsection shall be used for administrative expenses.

SEC. 519. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Transportation \$25,000,000 for each of fiscal years 2009 through 2021 to carry out the provisions of chapter 329 of title 49, United States Code.

SEC. 520. APPLICATION WITH CLEAN AIR ACT.

Nothing in this title shall be construed to conflict with the authority provided by sections 202 and 209 of the Clean Air Act (42 U.S.C. 7521 and 7543, respectively).

TITLE VI—PRICE GOUGING

SEC. 601. SHORT TITLE.

This title may be cited as the “Petroleum Consumer Price Gouging Protection Act”.

SEC. 602. DEFINITIONS.

In this title:

(1) AFFECTED AREA.—The term “affected area” means an area covered by a Presidential declaration of energy emergency.

(2) SUPPLIER.—The term “supplier” means any person engaged in the trade or business of selling or reselling, at retail or wholesale, or distributing crude oil, gasoline, or petroleum distillates.

(3) PRICE GOUGING.—The term “price gouging” means the charging of an unconscionably excessive price by a supplier in an affected area.

(4) UNCONSCIONABLY EXCESSIVE PRICE.—The term “unconscionably excessive price” means an average price charged during an energy emergency declared by the President in an area and for a product subject to the declaration, that—

(A)(i)(I) constitutes a gross disparity from the average price at which it was offered for

sale in the usual course of the supplier's business during the 30 days prior to the President's declaration of an energy emergency; and

(II) grossly exceeds the prices at which the same or similar crude oil gasoline or petroleum distillate was readily obtainable by purchasers from other suppliers in the same relevant geographic market within the affected area; or

(ii) represents an exercise of unfair leverage or unconscionable means on the part of the supplier, during a period of declared energy emergency; and

(B) is not attributable to increased wholesale or operational costs, including replacement costs, outside the control of the supplier, incurred in connection with the sale of crude oil, gasoline, or petroleum distillates; and is not attributable to local, regional, national, or international market conditions.

(5) COMMISSION.—The term “Commission” means the Federal Trade Commission.

SEC. 603. PROHIBITION ON PRICE GOUGING DURING ENERGY EMERGENCIES.

(a) IN GENERAL.—During any energy emergency declared by the President under section 606 of this Act, it is unlawful for any supplier to sell, or offer to sell crude oil, gasoline or petroleum distillates subject to that declaration in, or for use in, the area to which that declaration applies at an unconscionably excessive price.

(b) FACTORS CONSIDERED.—In determining whether a violation of subsection (a) has occurred, there shall be taken into account, among other factors, whether—

(1) the price charged was a price that would reasonably exist in a competitive and freely functioning market; and

(2) the amount of gasoline or other petroleum distillate the seller produced, distributed, or sold during the period the Proclamation was in effect increased over the average amount during the preceding 30 days.

SEC. 604. PROHIBITION ON MARKET MANIPULATION.

It is unlawful for any person, directly or indirectly, to use or employ, in connection with the purchase or sale of crude oil gasoline or petroleum distillates at wholesale, any manipulative or deceptive device or contrivance, in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of United States citizens.

SEC. 605. PROHIBITION ON FALSE INFORMATION.

(a) IN GENERAL.—It is unlawful for any person to report information related to the wholesale price of crude oil gasoline or petroleum distillates to a Federal department or agency if—

(1) that person knew, or reasonably should have known, the information to be false or misleading;

(2) the information was required by law to be reported; and

(3) the person intended the false or misleading data to affect data compiled by the department or agency for statistical or analytical purposes with respect to the market for crude oil, gasoline, or petroleum distillates.

SEC. 606. PRESIDENTIAL DECLARATION OF ENERGY EMERGENCY.

(a) IN GENERAL.—If the President finds that the health, safety, welfare, or economic well-being of the citizens of the United States is at risk because of a shortage or imminent shortage of adequate supplies of crude oil, gasoline or petroleum distillates due to a disruption in the national distribution system for crude oil, gasoline or petroleum distillates (including such a shortage related to a major disaster (as defined in section 102(2) of the Robert T. Stafford Disaster